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APR 20 2005

Utility Patent  
Ser. No. 10/613,941

**BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Robert E. Norris	)	Date: April 20, 2005
	)	
Serial N°: 10/613,941	)	Group Art Unit: 3634
	)	
Filed: 07/07/2003	)	Examiner: Lev, Bruce Allen
	)	
For: Emergency Stairway Escape Apparatus	)	
For Wheelchairs	)	
_____	)	

**Certificate of Mailing**

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Signature Terry Lakos

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**Petition for Refund of Notice of Appeal Fee and Appeal Brief Fee  
In Accordance With 37 C.F.R. § 1.26**

**Utility Patent  
Ser. No. 10/613,941**

Dear Sir:

In accordance with 37 C.F.R. § 1.26, the following request is a petition to refund the \$170.00 Notice of Appeal fee (paid on 10/29/2004 by Check No. 10616) and the \$250.00 Appeal Brief fee (paid on 12/20/2004 by Check No. 10689) because the examiner withdrew the final rejection, rendering an appeal moot at that point, and re-opening prosecution in the above captioned application.

**Refund of Notice of Appeal and Appeal Brief Fees**

The present application was filed on 07/07/2003, and a final rejection was rendered by the examiner on 08/25/2004. A Notice of Appeal (and \$170.00 fee) was filed on 10/27/2004 by Check No. 10616. An Appeal Brief (and \$250.00 fee) was filed on 12/20/2004 by Check No. 10689. In correspondence dated 04/12/2005, the examiner withdrew the final rejection, re-opened prosecution and indicated that all claim would be allowable. Therefore, the Appeal Brief was not the subject of a substantive review by the Board of Patent Appeals and Interferences. Photocopies of the two checks used as payment for the Notice of Appeal and Appeal Brief are attached hereto.

Because of the lack of substantive review by the Board of Patent Appeals and Interferences, the applicant respectfully requests refund of the \$420.00 total paid to the USPTO for the Notice of Appeal (\$170.00) and the Appeal Brief (\$250.00) submissions.

Please refund the aforementioned fees in the deposit account of "The Law Offices of John D. Gugliotta", Deposit Account No. 07-2380.

**Utility Patent**  
**Ser. No. 10/613,941**

Respectfully submitted,

  
John D. Gugliotta, Esq.  
Registration No. 36,538

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Enclosures (2)

**MEMO**

Appeal filing fee: 10613941 - Norris

**\*106890\*** **#0410027110** **#00E9T5EB**

*[Signature]*

**\$250.00**

**Bellows 05**

**Wm Hubbard Smith and Co., Inc.**  
Commissioner of Patents & Trademarks  
P.O. Box 1640  
Alexandria, VA 22316

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THE LAW OFFICES  
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PAY TO THE ORDER OF Commissioner of Patents & Trademarks

One Hundred Seventy and 00/100\*\*\*\*\*

Commissioner of Patents & Trademarks  
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Alexandria, VA 22313

MEMO Notice of Appeal filing fee: 10/613,941- Norris

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